

EXHIBIT 4

RAILROADS.

Powers, etc. have all the rights and powers in relation to such extension as are now conferred by law on said company; and all acts or parts of acts in conflict with this act are hereby repealed.

§ 2. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 8, 1867. ,

In force March AN ACT to amend an act entitled "An act to reduce into one act the general acts incorporating and relating to the Warsaw and Rockford Railroad Company," and to amend the same,
S. 1867.

Subscriptions. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, hereafter, it shall be lawful for any person or persons, or body corporate, to make subscription to the capital stock of said company, upon such conditions as the subscribers shall deem best; and in all cases where subscription shall be made to said stock, any condition attached to said subscription to be performed by said company before the payment of said subscription, or where said subscription shall be made dependent upon some act or acts to be performed by said company, such condition so attached to said subscription shall be taken and deemed a condition precedent, without the performance of which said company shall not be entitled to collect any part of said subscription so subscribed as aforesaid upon condition.*

Payment. Lawful and valid. § 2. Any subscriptions made with conditions attached, as aforesaid, shall be taken and deemed lawful and valid, the subscription and condition thereto attached to be construed together, to be fully enforced as against both company and subscriber, anything in said charter to the contrary notwithstanding.

§ 3. This act shall be in force from and after its passage.

APPROVED March 9, 1867.

In force March AN ACT to incorporate the Carthage and Burlington Railroad Company,
S. 1867. and authorize certain towns to take stock and levy a tax to pay the same.

Corporations. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Henry F. Black, John M. Finch, George Edmunds, Jr., William A. Patterson, Charles G. Clark, Wesley H. Minore, Boyd*

Bradue, John J. S. Wilson, and E. A. Chapin, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Carthage and Burlington Railroad Company," ^{Name and style} and, by that name and style, shall have perpetual succession; shall be capable of contracting and being contracted with, suing and being sued in all courts and places; may take and hold real and personal property, by gift, devise, purchase, condemnation or otherwise, necessary to the location, construction and operation of a railroad, with single or double track, as herein authorized; and may mortgage, lease or sell the same, in the discretion of said company; may have a common seal, and alter the same at pleasure; and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act; may borrow money, and mortgage their franchises and property to secure the same.

§ 2. Said company may locate, construct, maintain ^{Survey and con-} and operate a railroad, with one or more tracks, from Carthage, in the county of Hancock, to East Burlington, in the county of Henderson, in the state of Illinois, through Dallas City, by such route as said company shall determine; and may construct, maintain and operate a branch ^{Line of road.} of said railroad in Appanoose, in said county of Hancock, by such route as said company shall locate and determine, the terminus of said road at East Burlington and of said ^{Connections,etc.} branch at Appanoose, being on the Mississippi river; and may connect with any railroad running or to run to either of the places herein named, or which shall be crossed by said railroad; and in the location, construction, maintenance and operation of said railroad, and in the location, construction, maintenance and use of depots, stations, switches, side-tracks, tanks, engine houses, machine shops, turn-tables and other grounds, buildings, machinery, or things necessary to the location or relocation, construction, maintenance and operation thereof, may take one hundred ^{Possession of} feet wide, the whole length of said road and branch, and ^{lands, etc.} such other ground as may be necessary for depots, side-tracks, shops and other appurtenances of said road; and if said company, for any reason, are unable to agree with the owners for such ground, or for gravel, sand, earth or other material for the use of said railroad, or which may be necessary in constructing the same, said company may proceed to condemn the same, by virtue of any public law of this state; ^{Condemned} and for the purpose of surveys or location of said road, branch and appendages, may enter, by its agents and servants, upon the land of any person or corporation, and may take and condemn the same to the use of said company, by ^{lands.} virtue of any law of this state, and may, in the same man-

May take unoccupied portion of Warsaw and Rockford R.R.

Capital stock. § 3. The capital stock of said company shall be one million of dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and transferable on the books of said company only.

Organization. Said company may fully organize and commence the construction of said road whenever fifty thousand dollars shall be subscribed and five per cent. thereof paid in.

Payment of stock. Said company may make such calls for payment of stock as they shall deem advisable, and collect the same, after giving thirty days' notice thereof, or may sell the share for non-payment of any call, at the discretion of the directors of said company. The incorporators shall be commissioners to open books; and

Stock subscription. when fifty thousand dollars shall be subscribed and five per cent. thereof paid in, said commissioners shall call a meeting of stockholders, who shall elect seven of their number

Election of officers. directors, one of whom shall be elected president, who shall hold their offices for one year, or until their successors are elected and qualified. At all elections of directors, and at all stockholders' meetings, each share of stock shall have one vote.

Directors. § 4. The corporate powers of said company shall be exercised by said board of directors, and such other officers, agents and servants as said directors shall appoint or employ; and said directors may make such by-laws as shall not conflict with any law of this state.

By-laws. Vacancies in the board of directors may be filled by a majority of said directors. Elections for directors shall be held annually at such times and in such manner as shall be provided by by-laws; and votes may be given in person or by proxy.

Manner of holding elections. Construction and purchase of machinery, etc. § 5. Said company may construct, purchase or receive, by gift or otherwise, for the use of said road, for the trans-

Rates of passage. portation of persons or property, or otherwise, all machinery, carriages or other things necessary or useful in the construction, maintenance or operation of said railroad, and

Tariff of freight. shall have power to charge such rates of passage and tariff of freights as they shall fix, subject, however, to any general law of this state establishing rates of passage or tariff of freights for railroads in this state: *Provided, however, if any such general law establishing rates of passage or tariff of freights shall be held by the courts not binding upon the railroads in this state now in existence, then such law shall not be binding upon this company, it being the intention to place this company on the same footing in relation thereto as other roads now in operation or existence.*

Crossings, etc. § 6. Said company may construct said road across the track of any other railroad, common road or water-course, doing no other damage thereto than is necessary; and may take possession of any highway, for the use of said railroad,

but shall provide the public with a proper way in as good condition in lieu thereof.

§ 7. Said company shall annually make an exhibit of ^{Annual exhibit of} condition. the condition of said company to the stockholders, as may be provided by laws, and make such dividends as shall be dividends. consistent with the interests of said company.

§ 8. Said company shall, in addition to the powers ^{Conferred powers.} conferred by this act, have all the powers conferred upon the Great Western Railroad Company, the Quincy and Toledo Railroad Company, the Illinois and Southern Iowa Railroad Company, by virtue of any law of this state, and may connect and consolidate with either of said companies, or with the Toledo, Wabash and Western Railway Company, formed by the consolidation of said three companies with the Toledo and Wabash Railway Company, of Indiana; and may provide for the conversion of any bonds that ^{Conversion of bonds.} may be issued by said company into the common stock of said company, upon such terms as shall be agreed between the bondholders and each company. Said company shall commence the construction of said road within three years, and complete the same within ten years from the passage of this act.

§ 9. The legal voters of the towns of Carthage, Prairie, Pilot Grove, Rock Creek, Durham, Dallas City, Pontoosac and Appanoose, in the county of Hancock, and state of Illinois, may, at any regular annual town meeting or election, to be held in such towns for the election of town or county officers, vote for or against subscribing to the stock of this company, by ballot, upon which shall be written or printed— “For subscription” or “Against subscription;” and if a majority of the votes polled at said town meeting or election shall be for subscription then the supervisor of said town shall be and is hereby authorized to subscribe to the stock of said company one-tenth of the assessed value of the taxable property of such town at the last assessment prior to such vote, no more or less, and may issue to said company the bonds of said town in any sums not exceeding one hundred dollars each, payable twenty years from date, with annual interest at ten per cent. per annum; but no such subscription shall be made by such supervisor until said railroad shall be graded, tied and bridged, so far as the same shall be located in said county of Hancock, by private subscription to said stock, and said railroad company is free from debt for the grading, tieing and bridging thereof within said county: *Provided*, said bonds shall be taken by said railroad company at par, and used in procuring the iron and rolling stock for said road: *Provided, further*, that such vote shall not be taken unless thirty days' notice thereof be given by the town clerk of such town, by posting notices thereof in three of the most public places in said town. Said clerk shall give such notice whenever twenty legal vo-

Connections with other roads.

Conversion of bonds.

Time of commencement and completion of road.

Corporation subscriptions.

Manner of voting for.

Supervisors to subscribe to stock.

Town bonds. When payable.

Time of subscription.

Proviso.

Proviso.

ters of said town shall request him, in writing, to give such ^{Certificates of} notice, but not without. Whenever such subscription shall ^{subscription,} be made the supervisor shall certify the fact thereof to the county clerk of Hancock county, and such clerk shall extend on the tax books of said town a tax of one per cent., annually, on all the taxable property of said town until said bonds are paid. Said tax shall be collected as other town taxes, paid over to the supervisor of said town, and by him be applied, first, to the payment of interest on said bonds, and second, to the payment of said bonds in their numerical order. Said supervisor shall keep a book in which he shall keep a full record of the issue of said bonds, the payment of interest thereon, the payment of the bonds and cancellation thereof, and shall, annually, settle with the board of auditors of said town and cancel the bonds paid, by burning the same; shall give bond, in addition to the bond now required by law, payable to the people of the state of Illinois, for the use of said town, in the penal sum of double the amount of such tax, conditioned for the faithful performance of his duties under this act and the faithful application of said tax fund, with securities, to be approved by the town clerk of said town; and said bond shall be filed in the office of such town clerk.

^{Township sub-} § 10. The legal voters of townships eight, nine and ten north, in ranges six and seven west of the fourth principal meridian, situated in Henderson county, Illinois, may, at any general election, vote for or against subscription to the capital stock of said Carthage and Burlington Railroad Company, by ballot, upon which shall be written or printed "For subscription" or "Against subscription." If a majority of the votes polled at said election shall be for subscription, then the county judge of Henderson county shall

^{Manner of voting for.} be and is hereby authorized to subscribe to the capital stock of the Carthage and Burlington Railroad Company a sum equal to one-tenth of the assessed value of the real and personal property of said several townships, as the same shall appear upon the assessment books thereof for said county of Henderson of the assessment next prior to said vote—no more nor less. And said county judge shall issue to said company bonds, by the name and description of the "Railroad precincts of the county of Henderson," in any

^{Amount of when payable} sum not exceeding one hundred dollars each, payable twenty years from date, with annual interest at the rate of ten per cent. per annum; but no such subscription shall be made by

^{Time of subscription.} said county judge until said railroad shall be graded, tied and bridged, so far as the same shall be located in said county of Henderson, by private subscription to said stock and said road is free from debt for the grading, tying and bridging thereof within said county: *Provided*, said bonds shall be taken at par by said railroad company, and used for procuring the iron and rolling stock of said road: *Provided*,

^{Proviso.}

further, that such vote shall not be taken unless thirty days' notice thereof be given by the county clerk of Henderson county, by posting notices thereof in three of the most public places in each of said townships. Said county clerk shall give such notice whenever fifty legal voters residing within said several townships shall request him, in writing, to give the same, but not without. Whenever such sub-

Subscription
certificate.

scription shall be made said county judge shall certify the fact thereof to the county clerk of Henderson county, and such clerk shall extend on the tax books of said county a tax, tax of one per cent. annually on all the taxable property of said several townships until said bonds shall be paid. Said tax shall be collected as other taxes in said county and paid over to the county treasurer of said county as a separate fund specially appropriated to the payment of said bonds. Said county treasurer shall apply the money so collected, first, to the payment of interest on said bonds, and second, to the payment of said bonds in their numerical order. Said

How collected.

county judge shall keep a record of the issue of said bonds in a well bound book, and shall deliver the same to the county treasurer of said county; and said county treasurer shall keep in said book a record of the payment of the interest and bonds paid and canceled; shall annually settle with the county court of said county of Henderson, and shall, in the presence of said court, cancel the bonds paid by burning the same. Said county treasurer and the collector of said county of Henderson shall be liable on their respective official bonds for the collection, paying over and disbursing of said tax fund. The bonds to be issued by the

Application of
funds.

supervisor under the last section of this act shall be payable at the office of the county treasurer of Hancock county; and those to be issued by the county judge under this section at the office of the county treasurer of Henderson county, and shall each contain a condition that such bond may be paid and canceled at any anniversary of the

Bonds — pay-
ment of inter-
est on.

making thereof, at the option of the makers, upon the supervisor or county judge, as the case may be, giving thirty days' notice of such intended payment: *Provided*, said bonds shall be paid in the order in which they are numbered; and if the holder of such bond shall neglect or refuse to receive such payment and surrender such bond such holder shall be forever barred from collecting interest on such bond thereafter.

liabilities.

§ 11. The county court of Henderson county are hereby required to so divide the county of Henderson into election precincts that the legal voters residing within said townships eight, nine and ten north, in ranges six and seven west, shall vote at one or more precincts, disconnected with any other part of said county—the range line between ranges five and six west forming the east line of said precinct or precincts and the north line of township ten

Bonds — where
payable.Paid and can-
celed.

Proviso.

Division
county
election
into
pre-
cincts.

Denomination of. north forming the north line of said precinct or precincts; and said precincts shall be denominated "railroad precincts;" and said railroad precincts, by and through said county judge, are hereby empowered to subscribe to the stock of this company and execute the bonds aforesaid, under and by virtue of this act and in conformity with the provisions thereof.

May subscribe to stock. *Act in force from passage.* § 12. This act shall be deemed a public act, and shall take effect and be in force from and after its passage: *Provided*, said company shall not consolidate with any road, except a continuous line in connection with said road, and not without consent of three-fourths of the stockholders.

APPROVED March 8, 1867.

In force March 8, 1867. AN ACT to incorporate the Belvidere and Ottawa Railroad Company.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Mark Ramsey, William H. Gilman, Charles F. Witt, Ira Wilson, Luther W. Lawrence, Wesley W. Marsh, Aaron K. Stiles, Seth C. Hapgood, Robert Hampton, George H. Hill, Samuel P. Stilson, Dwight F. Cameron, Lorenzo Leland, Julius Avery and W. Bushnell, are hereby made and constituted a body politic and corporate, by the name and style of Name and style "The Belvidere and Ottawa Railroad Company," with perpetual succession; and, by that name and style, shall be capable and hereby are empowered and authorized in law, of taking, purchasing, holding, leasing, selling and conveying real and personal estate and property, so far as the same may be requisite and necessary for the purposes hereinafter mentioned; and, in their said corporate name, may sue and be sued, plead and be impleaded, defend and be defended in all courts and places; to have a common seal, which they may alter and renew at pleasure; to have a capital stock of fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each; which said capital may be increased, from time to time, by a vote of a majority of the directors of the corporation, to any sum requisite for the completion and fulfillment of the objects and purposes of the corporation hereby created; and the said above named persons shall be and constitute the first board of directors, and are hereby vested with and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect and complete use and enjoy the purposes and objects of this act, as hereinafter set forth.

Capital stock.

Directors.